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# HOUSE BILL No. 1196

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-13-2; IC 9-21-13; IC 34-30-2-28.5.

**Synopsis:** Lights on funeral motor vehicles. Allows funeral vehicles to have purple lights. Requires a person operating a vehicle in a funeral procession to exercise due caution and limit speed. Establishes immunity for a funeral director, funeral home, and funeral escort and their employees and agents.

**Effective:** July 1, 2003.

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January 8, 2003, read first time and referred to Committee on Roads and Transportation.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## HOUSE BILL No. 1196

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-13-2-69.3 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2003]: **Sec. 69.3. "Funeral escort" has the meaning set forth in**
- 4 **IC 9-21-13-0.3.**
- 5 SECTION 2. IC 9-13-2-69.4 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2003]: **Sec. 69.4. "Funeral escort vehicle" has the meaning set**
- 8 **forth in IC 9-21-13-0.4.**
- 9 SECTION 3. IC 9-13-2-69.5 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2003]: **Sec. 69.5. "Funeral lead vehicle" has the meaning set**
- 12 **forth in IC 9-21-13-0.5.**
- 13 SECTION 4. IC 9-13-2-69.6 IS ADDED TO THE INDIANA CODE
- 14 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 15 1, 2003]: **Sec. 69.6. "Funeral procession" has the meaning set forth**
- 16 **in IC 9-21-13-0.6.**
- 17 SECTION 5. IC 9-21-13-0.3 IS ADDED TO THE INDIANA CODE



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AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.3. As used in this chapter, "funeral escort" means a person that provides escort services for funeral processions.**

SECTION 6. IC 9-21-13-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.4. As used in this chapter, "funeral escort vehicle" means a motor vehicle that escorts a funeral procession.**

SECTION 7. IC 9-21-13-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.5. As used in this chapter, "funeral lead vehicle" means a motor vehicle that leads and facilitates the movement of a funeral procession.**

SECTION 8. IC 9-21-13-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec 0.6. As used in this chapter, "funeral procession" means two (2) or more vehicles, including a funeral lead vehicle or a funeral escort vehicle, accompanying human remains.**

SECTION 9. IC 9-21-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A vehicle with lighted headlights in a funeral procession has the right-of-way at an intersection and may proceed through the intersection if the procession is headed by a **funeral lead vehicle** or **funeral escort vehicle** displaying alternately flashing red and blue **or red and purple** lights, except if either of the following conditions exist:

(1) When the right-of-way is required by an authorized emergency vehicle giving an audible signal.

(2) When the vehicles in procession are directed otherwise by a police officer.

(b) Before assuming the right-of-way, a person who drives a vehicle in the funeral procession must exercise due caution with regard to crossing traffic.

SECTION 10. IC 9-21-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. A person who drives a vehicle that is not a part of a funeral procession may not **join the procession or** form a procession and have headlights lighted for the purpose of securing the right-of-way granted by this chapter to funeral processions.

SECTION 11. IC 9-21-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) The **funeral lead vehicle** and **funeral escort vehicles** in a funeral procession may be equipped with flashing **amber purple** lights that may be used only when the vehicles are used in a funeral procession.

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(b) Notwithstanding any other provisions in this article that govern emergency vehicles, the **funeral lead vehicle** and **funeral escort vehicles** in a funeral procession may be equipped with flashing red lights that may be used only when the vehicles are used in a funeral procession. The flashing red lights may only be used to gain the right-of-way at intersections and to protect a funeral procession while crossing an intersection.

SECTION 12. IC 9-21-13-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) A person operating a vehicle in a funeral procession:**

- (1) must exercise due caution while in a funeral procession;**
- (2) must follow the preceding vehicle in the funeral procession as closely as is practical and safe; and**
- (3) may not drive the vehicle at a speed greater than five (5) miles per hour below the posted speed limit.**

**(b) A vehicle that is part of a funeral procession must have its headlights and taillights illuminated.**

**(c) The operator of a vehicle immediately following the funeral lead vehicle and the last vehicle in the funeral procession shall illuminate the vehicle's hazard warning lights while in the funeral procession.**

SECTION 13. IC 9-21-13-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5. A vehicle that is a part of a funeral procession ~~shall~~ may use:**

- (1) funeral pennants or flags; or**
- (2) windshield stickers;**

**to identify the vehicle as a part of the procession.**

SECTION 14. IC 9-21-13-8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 8. (a) A funeral director, funeral home, and funeral escort and their employees and agents are immune from liability for any death, personal injury, or property damage suffered by any person in a funeral procession if:**

- (1) the funeral procession was operating in compliance with this chapter; or**
- (2) the funeral procession would have been operating in compliance with this chapter except that an operator of a vehicle in the funeral procession was not exercising due care as required by this chapter.**

**(b) A funeral director, funeral home, and funeral escort and their employees and agents are immune from liability for any**



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1 death, personal injury, or property damage that results from, is  
 2 caused by, or arises out of any action or inaction of an operator of  
 3 a vehicle in a funeral procession under the control of a funeral  
 4 director, funeral home, or funeral escort or their employees or  
 5 agents if:

6 (1) the funeral procession was operating in compliance with  
 7 this chapter; or

8 (2) the funeral procession would have been operating in  
 9 compliance with this chapter except that an operator of a  
 10 vehicle in the funeral procession was not exercising due care  
 11 as required by this chapter.

12 (c) This section does not apply if the death, personal injury, or  
 13 property damage arose from the negligent act or omission of a  
 14 vehicle operated by the funeral director, funeral home, or funeral  
 15 escort, or their employees or agents. The operator of a vehicle in a  
 16 funeral procession is not considered to be an agent of the funeral  
 17 director, funeral home, or funeral escort unless the operator:

18 (1) is an employee of the funeral director, funeral home, or  
 19 funeral escort and is acting in the course of employment; or

20 (2) was retained as an independent contractor of the funeral  
 21 director, funeral home, or funeral escort and is performing a  
 22 service.

23 (d) This section does not create a new cause of action or  
 24 substantive legal rights or affect any immunities from civil  
 25 liabilities or defenses available at common law.

26 SECTION 15. IC 34-30-2-28.5 IS ADDED TO THE INDIANA  
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2003]: Sec. 28.5. IC 9-21-13-8 (Concerning  
 29 actions against a funeral director, funeral home, or funeral escort  
 30 or their employees or agents).

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